

Borg-Warner Chemicals, Inc.

P. O. Box 816, Morgantown, W.Va. 26505
Telephone: 304/296-2554

Chemicals

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ORIGINAL
(red)

DB-10126-11-85
February 21, 1985
Certified Mail #P446-048-581
Return Receipt Requested

Mr. Mark diFeliciantonio
Environmental Engineer
United States Environmental Protection Agency
6th and Walnut Streets
Philadelphia, PA 19106

Dear Mr. diFeliciantonio:

Enclosed is the response of Borg-Warner Chemicals, Inc., to a letter from Stephen R. Wassersug of Region III dated January 24, 1985. Please note that Mr. Wassersug's letter was incorrectly addressed to L. A. Harvey as president of Borg-Warner Chemicals, Inc. The president of Borg-Warner Chemicals, Inc. is G. J. McNally. However, based upon contacts we have had with EPA staff at Region III headquarters, we understand that no personal response was solicited by Mr. Wassersug's letter and hence the enclosure addresses our company's response to his inquiry.

Very truly yours,

David L. Boggs
Plant Engineering Manager

DLB:clp

Enclosure

AR200359

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Mr. Mark diFeliciantonio
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United States Environmental Protection Agency
Region III
6th and Walnut Streets
Philadelphia, PA 19106

Dear Mr. diFeliciantonio:

By letter dated January 24, 1985, Mr. Stephen R. Wassersug, Director, Hazardous Waste Management Division for EPA Region III, advised Borg-Warner Chemicals, Inc. [Borg-Warner] that EPA had information which indicated that Borg-Warner may be a responsible party as defined in the Comprehensive Environmental, Compensation, and Liability Act (CERCLA), 42 U.S.C. §9601 et seq., with respect to the release and/or threatened release of hazardous substances to the environment from the Ordnance Works Disposal Areas site, near Morgantown, West Virginia. Mr. Wassersug directed that notice be given to EPA within 28 days of the receipt of his letter addressing the nature and extent of the corrective measures Borg-Warner might be willing to undertake with respect to this site. This letter is filed on behalf of Borg-Warner Chemicals, Inc., and constitutes that company's response to Mr. Wassersug's letter.

On October 15, 1984, EPA proposed for inclusion on the National Priorities List the Ordnance Works Disposal Areas site which is the subject of Mr. Wassersug's letter. Borg-Warner filed detailed comments on EPA's proposal objecting to the inclusion of these sites on any final NPL for various reasons. Borg-Warner commented that EPA's application of the hazard ranking system to this site overstated the threat of the site to public health or the environment.

In reviewing the documents relied upon in EPA's proposal to include this site on the NPL, Borg-Warner believes that EPA does not have scientifically supportable information which indicates that a release and/or threatened release of hazardous substances which may constitute an imminent and substantial endangerment to the public health, welfare or the environment as defined in CERCLA has occurred or will occur. It was not

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clear in EPA's proposal, nor has it been clarified in Mr. Wassersug's letter, what the boundaries of this site are proposed to be. EPA is now requesting voluntary clean-up of this site without providing any specifics as to the precise geographic areas that must be cleaned up. Borg-Warner requests that EPA specifically delineate the boundaries of this site. Notwithstanding the foregoing, it is Borg-Warner's position that it does not own the land upon which the site is located and as such would have no legal authority to institute any investigatory or remedial action at this site.

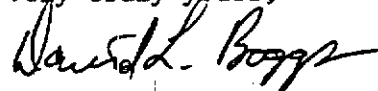
Borg-Warner commented on EPA's proposal to list this site on the NPL that the site, if included at all, should be included as a federal site in view of the active role of the United States government as both owner and operator of industrial facilities on this site in the past. Borg-Warner reiterates its position that the responsibility for the clean-up of these sites, because of this federal involvement, rests with the United States government.

Finally, it is Borg-Warner's position that it is not a responsible party under §107 of CERCLA and would not be responsible for any clean-up costs.

Borg-Warner hereby requests that it be provided with any information EPA has regarding the status of this site and the response of any potentially responsible party to EPA's request for voluntary clean-up.

In accordance with your request, be advised that further contact on this matter should be addressed to David M. Flannery, Esquire, Robinson & McElwee, P. O. Box 1791, Charleston, WV 25326, (304) 344-5800.

Very truly yours,



David L. Boggs
Plant Engineering Manager

DLB:clp

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